

### REMARKS

By this amendment, claim 1 has been amended. Claim 14 is cancelled. Claims 1-13 and 15-20 remain in the application.

#### **Claim Rejections – 35 USC § 101**

Claim 14 has been rejected under 35 U.S.C. 101. This claim has now been cancelled, hence removing the objection.

#### **Claim Rejections – 35 USC § 102**

Previous claim 1 and claims 2-3 and 8-9 stand rejected under 35 USC § 102 as being anticipated by Smith et al (6,569,002).

The Applicant respectfully traverses this objection on the basis of amended claim 1 for the following reasons.

Smith does not relate to - and at no stretch of the imagination can be deemed to relate to - a device for skin dermabrasion through gentle contact of the skin with an abrasive ... that is arranged by the manual application of a support surface against the skin and around the region of the skin to be treated, to provide the gentle contact of this region of the skin with an oscillating arcuate abrasive surface. To the contrary, Smith et al relates to a hand-held oscillating spindle sander tool designed for woodworking (see col. 1, lines 14-39). Smith's oscillating spindle projects at right angles from its support surfaces (base assembly 16). Smith's projecting oscillating spindle typically has a sander drum which is caused to oscillate and reciprocate to sand a workpiece (col. 1, lines 30-39). Such device is a woodworking tool and is not designed for and is indeed totally unsuitable for skin dermabrasion.

Claim 1 has now been amended to further distinguish over Smith et al, by specifying that the axis of oscillation of the arcuate surface is parallel to the two opposing sides of the support surface, and that the gap left by two opposing sides of the support surface is such as to allow oscillating motion of the arcuate abrasive surface in the gap with the arcuate abrasive surface oscillable across the gap between said two sides.

This distinguishes over Smith et al wherein the axis of oscillation of the spindle/drum surface is perpendicular to the support surface, and the projecting spindle/drum surface is oscillable (and reciprocable) along the longitudinal direction of the spindle in the gap, not across the gap.

In contrast, in the skin device according to the invention for skin dermabrasion through gentle contact of the skin with an abrasive, an arcuate abrasive surface extends along an arc of a cylindrical surface with the abrasive surface on the curved outside of the arc, the arcuate abrasive surface being held by a support mounted in or on the housing for an oscillatory motion allowing oscillation of the arcuate abrasive surface about the axis of said cylindrical surface. A support surface surrounds the oscillatory arcuate abrasive surface at least on two opposing sides. The axis of oscillation of the arcuate surface is disposed parallel to the two opposing sides of the support surface. The two opposing sides of the support leave a gap to allow oscillating motion of the arcuate abrasive surface in this gap with the arcuate abrasive surface oscillable across the gap between said two sides. The device is arranged in such a way as to allow, solely by the manual application of the support surface against the skin and around the region of the skin to be treated, the gentle contact of this region of the skin with the oscillating arcuate abrasive surface.

It follows that claim 1 is novel over Smith et al both as regards the orientation and the configuration of the oscillation of the arcuate abrasive surface and as regards the overall

organisation of the device, making it suitable for gentle skin abrasion as compared to the sanding of woodworking workpieces with Smith et al's oscillating sander having a projecting oscillating spindle.

Claims 2-13 and 15-20 all contain the features of claim 1 and are novel over Smith et al for the same reasons.

Therefore in summary the applicant submits that all claims are novel over Smith et al and requests that this ground of rejection be removed.

### **Claim Rejections – 35 USC § 103**

Original claims 4-7, 10-11, 13-15 and 17-18 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al (6,569,002)

The Applicant submits that amended claim 1 is non-obvious over Smith et al for the following reasons.

Amended claim 1 differs from Smith et al as set out above under "Novelty" both as regards the orientation and the configuration of the oscillation of the arcuate abrasive surface and as regards the overall organisation of the device, making it suitable for gentle skin abrasion as compared with sanding of woodworking workpieces with Smith et al's oscillating sander having a projecting oscillating spindle.

In fact, Smith et al's oscillating sander falls under the category of woodworking tools and is a totally unsuitable starting point for the skilled person seeking to provide an improved dermabrasion device for gentle skin dermabrasion, which falls under the general category of hand-held appliances for body care. There is no incentive whatsoever for the skilled person

starting from Smith et al's woodworking tool to contemplate modifying it in such a way as to convert it into a dermabrasion device for gentle skin dermabrasion.

Moreover, the projecting oscillating spindle is a key feature of Smith et al's woodworking tool and to do away with this projecting oscillating spindle on the one hand would entirely change the nature of the tool, and on the other hand goes against Smith et al's teaching and is unobvious over Smith et al.

The previously-cited document Ignon (6,629,983) does not make up for the deficiencies in Smith et al.

As previously argued, Ignon does not have an oscillatory arcuate abrasive surface. Ignon's abrasion element can be an oscillating blade 94 (Fig. 8), but this is not an oscillatory arcuate abrasive surface. Ignon's abrasion element can alternatively be a stationary or rotating wheel 100 (Fig. 9), but again this is not an oscillatory arcuate abrasive surface.

Ignon's oscillating blade 94 oscillates between the terminal lines 96,98 shown in Fig. 8, which occupy the entire space in the opening 37c. The blade 94 can oscillate under the power of the applied vacuum which pulls a portion of the skin through the hole and moves the skin portion into contact with the abrasive element/blade 94 (Abstract, lines 6-8). Ignon's blade 94 functions as a scraper as it is drawn along the skin 63 (col. 4, lines 52-53). Such scraper scrapes the skin to remove debris that can be evacuated by the vacuum.

As argued in the previous reply, Ignon does not disclose an arcuate abrasive surface that extends along an arc of a cylindrical surface with the abrasive surface on the curved outside of the arc. Moreover, Ignon's support surface (the projection 90 with opening 37c) does not surround an oscillatory arcuate abrasive surface at least on two opposing sides leaving a gap to allow oscillating motion of an arcuate abrasive surface in the gap. Furthermore, Ignon's device is not

arranged in such a way as to allow, solely by the manual application of the support surface against the skin and around the region of the skin to be treated, the gentle contact of this region of the skin with the oscillating arcuate abrasive surface. Instead, the skin is pulled against Ignon's oscillating scraper blade by the application of suction, and the scraping action of the blade 94 is not to be equated with a gentle contact of this region of the skin with the oscillating arcuate abrasive surface.

For arguments on the unobviousness of the present device over Ignon, the applicant refers to the previous reply pages 11-14.

It follows that no combination of the teachings of Smith et al and Ignon would lead to the now-claimed invention. Firstly, there is no incentive to combine the very different teachings of Smith et al (woodworking tool) with Ignon (skin treatment device). Secondly the combined teachings do not add up to the now-claimed skin dermabrasion device wherein the axis of oscillation of an arcuate surface is disposed parallel to the two opposing sides of the support surface, the two opposing sides of the support leaving a gap to allow oscillating motion of the arcuate abrasive surface in this gap with the arcuate abrasive surface oscillable across the gap between said two sides, and the device is arranged in such a way as to allow, solely by the manual application of the support surface against the skin and around the region of the skin to be treated, the gentle contact of this region of the skin with the oscillating arcuate abrasive surface.

Neither of Smith et al and Ignon discloses these features in their operative configuration as defined in claim 1, and no combination of the two documents leads to these features in their operative configuration.

As to claims 4-6, these claims are patentable for the same reasons as claim 1. The applicant points out that claim 4's interchangeable pieces with different arcuate surfaces are all designed to

perform as the inventive arcuate surfaces of claim 1. The office action argues that Smith discloses interchangeable abrasive pieces; however changing Smith's abrasive pieces will not transform his sanding tool into a skin dermabrasion device as claimed in claim 1.

As to claims 7, 13 and 15 these claims are also patentable for the same reasons as claim 1. As regards claim 7's U-shaped piece which is disclosed neither by Smith et al nor by Ignon, the applicant points out that this is an implementation of the more generally described support surface of claim 1 that is patentable in combination with the features of claim 1. In any event, providing Ignon with a U-shaped support element, as argued in the office action, would not lead to the subject matter of claims 1 and 7. As regards claim 13, any change in the orientation of Smith's protruding oscillating spindle will be by only a few degrees relative to vertical, always leaving the spindle to protrude in order to perform its function. This does not lead to the subject matter of claims 1 and 13. As regards claim 15 this defines a less-preferred embodiment of the invention, but which is nevertheless patentable in the combination of features defined in claim 1.

As to claims 10-11 the Applicant has previously conceded (page 13 of the last response) that the features of the variation in the speed of oscillation and range of oscillatory speeds would not further patentably distinguish over Ignon, and the same applies to Smith. However, these claims derive their inventive step from claim 1.

In summary, the Applicant submits amended claim 1 and none of the dependent claims can be reached in an obvious way from the Smith et al disclosure alone or taken in combination with Ignon, and requests that the objection under 35 USC § 103 be withdrawn.

In view of the above the Applicant respectfully requests reconsideration of the objections raised and an indication that the application can pass to allowance.

Respectfully submitted,

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